



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Mr. Steve Daigle  
The Red Jacket Hotel  
RT 16 PO BOX 2000  
North Conway, New Hampshire 03860

**LETTER OF DEFICIENCY**

WMB PBF 05-07

April 26, 2005

Dear Mr. Daigle:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On April 20, 2005, as a result of a complaint, DES inspected the pool at the Red Jacket Hotel in North Conway, NH ("the Pool").

During this inspection, the following deficiencies were noted:

1. A recommendation to close the Pool was issued on April 20, 2005. The inspection on April 20, 2005 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Pool water:
  - a. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.15(c) requires a bromine concentration between 2.0 mg/L and 4.0 mg/L in public pool water. The bromine concentration of the Pool water was 0.94 mg/L on April 20, 2005. Furthermore, daily testing of the pool water by the operator consistently reported bromine concentrations at or below 1.0 mg/L.
3. Pursuant to Env-Ws 1103.15(e), the clarity of the pool water shall be such that the main drain is clearly visible at all times. The main drain / bottom of the Pool was not visible on April 20, 2005.
4. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Log sheets indicated that testing was being conducted only one time per day.
5. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
6. Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. Due to the clarity of the pool water the condition of the main drains could not be inspected.

In our conversation on April 22, subsequent to the DES inspection, you reported that the pool was drained, cleaned and refilled. You also reported that a new disinfectant feeder was installed to accommodate the disinfectant change from bromine to chlorine.

DES requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken.

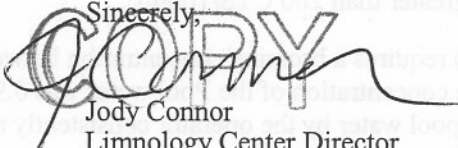
The report should include the following:

1. A copy of two weeks of water quality test results (please do not send originals).
2. The type, manufacture, and model of the chlorine feeder installed.
3. A timetable of when:
  - a. the safety items will be in place;

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7491

Enclosures

cc: ☒ Gretchen R. Hamel, Legal Unit Administrator, DES  
Tim Wilson, Public Bathing Facility Coordinator, DES  
Kenneth Kiesman, Health Officer, Town of Conway

H:\BIOLOGY\POOLS\Program Administration\Enforcement\Letters-LOD\LOD-2005\LOD.05.07.doc